REMARKS

Claims 1-43 remain pending in the application.

35 USC 112 Second Paragraph Rejection of Claims 38

The Office Action rejected claim 38 as allegedly being indefinite under 35 USC 112. In particular, claim 38 was rejected for allegedly lack of antecedent basis for "said largest sequence number yet seen".

Claim 38 is amended where appropriate. It is respectfully submitted that claim 38 is now in full conformance with 35 USC 112 and that the rejection be withdrawn.

Claims 1-43 over Hughes

In the Office Action, claims 1-43 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Combined DES-CBC, HMAC and Replay Prevention Security Transform* to J. Hughes ("Hughes"). The Applicants respectfully traverse the rejection.

Claims 1-43 recite a system and method for **adjusting** a range of acceptable nonce values within an acceptance window/replay mask based on a largest nonce value yet seen.

In response to Applicants' previous arguments that Hughes fails to disclose adjustments of an acceptance window based on a largest nonce value yet seen, the Examiner alleged that Hughes discloses the use of a "sliding window" in which the acceptance window is adjusted, or slides, according to a largest nonce value yet seen. The Examiner provides an example from Hughes that show a "ReplayWindowSize" of 32 in Appendix A as being nonce values within 32 of the largest nonce value yet seen are accepted and nonce values 32 or greater from the largest nonce value yet seen are discarded as being too old (see Office Action, page 8).

As the Examiner's example from Hughes shows Hughes discloses an arbitrary size for a ReplayWindowSize and uses a fixed ReplayWindowSize throughout the process without adjustment. Hughes appears to disclose adjustment of values within a ReplayWindow not adjustment of the

ReplayWindow itself. In the Examiner's example from Hughes, 32 is used as a ReplayWindowSize throughout the process of determining acceptable nonce values. In contrast, Applicants' claimed features use an acceptance window/replay mask that is adjusted based on a largest nonce value yet seen. Hughes fails to disclose or suggest any type of adjustment to his ReplayWindowSize. Thus, Hughes fails to disclose or suggest a system and method for **adjusting** an acceptance window/replay mask based on a largest nonce value yet seen, as recited by claims 1-43.

In response to Applicants' previous arguments that Hughes fails to disclose adjustments of an acceptance window based on a largest nonce value yet seen, the Examiner alleged that such statements are outside the scope of the claim language. As discussed above, the Applicants' claims do recite the adjustment of an acceptance window/replay mask in contrast to Hughes that fails to make any type of adjustment to a ReplayWindowSize. As Applicants previously pointed out to the Examiner, Hughes discloses a size of a ReplayWindowSize as being fixed at 32 throughout the process. However, Hughes fails to disclose or suggest how that number is arrived at, much less disclose or suggest any type of adjustment of that number, much less disclose or suggest a system and method for **adjusting** an acceptance window/replay mask based on a largest nonce value yet seen, as recited by claims 1-43.

Although Applicants believe that Applicants claims as filed on May 12, 2006 still distinguish over the cited prior art, Applicants are amending claims 1-43 herein to speed prosecution and more clearly distinguish from Hughes' **static** ReplayWindowSize, e.g., 32, as acknowledged by the Examiner. Applicants' claimed features are amended herein to recite **adjusting** a range of acceptable nonce values within an acceptance window/replay mask based on a largest nonce value yet seen, as recited by claims 1-43.

A benefit of **adjusting** a range of acceptable nonce values within an acceptance window/replay mask based on a largest nonce value yet seen is, e.g., reduce confusion between sessions. An acceptance window/replay mask is used to reject data associated with nonce values that are outside of an

acceptable range, i.e., having a nonce values that are too big and/or too small. However it may be desirable in some instances to adjust the size of an acceptance window/replay mask, such as when starting a new session and resetting a nonce value. A previous session's large nonce value may play havoc on a new session starting with small nonce values. When switching sessions to restrict acceptance of a previous session's large nonce values it is desirable to narrow an acceptance window/replay mask. However, once a session is underway it is desirable to broaden an acceptance window/replay mask to prevent unnecessary rejection of data associated with nonce values. The cited prior art fails to disclose or suggest the claimed features having such benefits.

Accordingly, for at least all the above reasons, claims 1-43 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 1-43 over Schneier

In the Office Action, claims 1-43 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 5,970,143 to Schneier et al. ("Schneier"). The Applicants respectfully traverse the rejection.

Claims 1-43 recite a system and method for **adjusting** a range of acceptable nonce values within an acceptance window/replay mask based on a largest nonce value yet seen.

As the Examiner acknowledged, the Examiner is picking and choosing features from **TWO** embodiment within Schneier to arrive at the claimed features (see page 4). The Examiner alleged that the motivation for picking and choosing features from Schneier's two embodiments is that doing so allows old messages to be allowed if they are valid and that this makes the system more robust because it is now able to allow valid out-of-order messages (see Office Action, page 5). However, the Examiner has still failed to provide motivation why one of ordinary skill in the art would pick and choose features from Schneier's two embodiment to conveniently arrive at the claimed features. If Schneier allegedly disclosed all of the claimed features in acknowledged

separate embodiments, and it were so obvious to pick and choose features from Schneier's two embodiments, why didn't Schneier himself provide a third embodiment combining features from the two embodiments to arrive at a third embodiment that provided benefits that the other two embodiments allegedly failed to address. The Applicants content that Schneier, even if disclosing all of the claimed features within two embodiments, failed to recognize a third embodiment that combined features from the two disclosed embodiments.

Moreover, the Examiner alleged that the motivation for picking and choosing features from Schneier's two embodiments is that doing so allows old messages to be allowed if they are valid and that this makes the system more robust because it is now able to allow valid out-of-order messages (see Office Action, page 5). However, Schneier's individual embodiments already allow old messages to be allowed if they are valid and is able to allow valid out-of-order messages. The Examiner's alleged motivation to modify Schneier to arrive at the same benefits that Schenier's current embodiments currently have is nonsensical and unsupported.

Moreover, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. MPEP §2141.02, page 2100-127 (Rev. 2, May 2004) (citing W.L. Gore & Assoc. v. Garlock, Inc., 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)). Schneier specifically disclosed the disclosed features in two separate embodiments. Schneier specifically intended such disclosed features to be used in **two** separate embodiments. Thus, Schneier's disclosure itself leads away from combining the disclosed features from two distinct embodiments because Schneier intended such features to be used in **two** separate embodiments.

The Examiner acknowledged that Schneier discloses adjusting a log of nonce values which have been received within a prescribed amount of time (see Office Action, pages 8-9), i.e., based on **time** NOT based on a **largest nonce value yet seen**. Thus, Schneier fails to disclose or suggest a system and method for adjusting an acceptance window/replay mask **based on a largest**

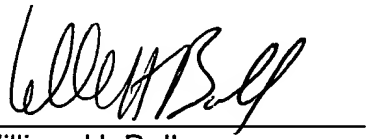
nonce value yet seen, much less disclose or suggest **adjusting** a range of acceptable nonce values within an acceptance window/replay mask based on a largest nonce value yet seen, as recited by claims 1-43.

Accordingly, for at least all the above reasons, claims 1-43 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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